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EXAMINER
YE, LIN

ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/037,759	PYLE ET AL.
	Examiner	Art Unit	
	Lin Ye	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 September 2005</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1 and 7-20</u> is/are rejected.

7)☒ Claim(s) <u>2-6</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>02 January 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. This application has been transferred to a new examiner. The new examiner carefully
reviewed applicant's arguments with respect to the claims 1 and 7-20 filed on 9/15/05.

2. Applicant's arguments filed 9/15/05 have been fully considered but they are not persuasive as
to claims 1 and 7-20.

    For the claim 1, the applicant argues that the Conoval reference (U.S. Patent 6,400,903)
does not teach or suggest training the image capture system to respond to at least one
command that is received from the foreign remote control. (See applicant's amendment,
page 3).

    The examiner disagrees. The Conoval reference discloses in Figure 4A, the remote host
computer (40) is considered as the "foreign remote control" recited in claim 1; the apparatus
(e.g., relay controller electronics 25 and camera 2 shown in Figure 3B as communications
transceiver 42 and digital camera 43 shown Figure 4A, see Col. 13, lines 35-39) is considered
as the "image capture system" recited in claim 1. In Figure 6E, a method (protocol training
method) for training the image capture system to respond to at least one command that is
received from the foreign remote control (e.g., the relay controller 69 of the relay controller
electronics 25 has a **Protocol Training Program** 88 for capturing the control commands
sent from the remote host computer 40 and associating the each of command sequence with a
function tag; and the commands are captured and stored in controller 69 or external memory
70, see Col. 16, lines 22-41 and Col. 13, lines 35-45).

For the claims 11, 17 and 20, the applicant argues that there is no disclosure in Rodriguez

(U.S. Patent 6,889,191) related to the DCHT being associated with a image capture system;

and the DCHT does not transmit commands associated with image capture (See applicant's

amendment, page 5).

The examiner disagrees. The claims 11, 17 and 20 do not disclose the limitation "

transmit commands associated with image capture" instead of a function of the image capture

system. It should be noted that the means of "a function of the image capture system" is

broad, e.g., the Rodriguez reference discloses the system comprising DHCT 14, camcorder,

video camera, television set, display, computer or any electronic devices (all elements of

system can be physically connected or integrated into a device, See Col. 11, 1-5 and 22- 67).

Therefore, the system is considered as the "image capture system" recited in claims 11, 17

and 20. "a function of the image capture system" also is considered as a function of

compress pictures from a camera for upstream transmission (see Col. 11, lines 19-25) or

sending control commands functions include: start, stop, standby and no active speech frame

for controlling the imaging capture system (See Col. 18, lines 45-50).

3. Since the former examiner incorrectly interpreted the remote relay controller (1) of Conoval

as the "foreign remote control" recited in claim 1 and incorrectly cited section of the Conoval

reference in the previous Office Action mailed on 6/29/05, **this action is not made final.**

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Conoval U.S.

Patent 6,400,903.

Referring to claim 1, the Conoval reference discloses in Figures 3B, 4A and 6A-E, a

method for enabling an image capture system (e.g., the apparatus which considered as the

"image capture system" includes relay controller electronics 25 and camera 2 shown in

Figure 3B as communications transceiver 42 and digital camera 43 shown Figure 4A, see

Col. 13, lines 35-39) to respond to at least one command transmitted by a foreign remote

control (e.g., the remote host computer 40 is considered as the "foreign remote control"

shown in Figure 4A) that is associated with a first device, the method comprising the steps

of: a) training the image capture system to respond to at least one command that is received

from the foreign remote control (e.g., the relay controller 69 of relay controller electronics 25

has a **Protocol Training Program** 88 for capturing the control commands sent from the

remote host computer 40 and associating the command sequence with a function tag; and the

commands are captured and stored in controller 69 or external memory 70, see Col. 16, lines

22-41 and Col. 13, lines 35-45); and b) employing the foreign remote control (host computer

40) to access at least one function of the trained image capture system (e.g., take photo

protocol or camera position control command, see Col. 6, lines 38-62).

Referring to claim 7, the Conoval reference discloses wherein the image capture system

includes a digital image capture device (camera 2 in Figure 3B or camera 43 in Figure 4A).

Referring to claim 8, the Conoval reference discloses wherein the digital image capture

device includes one of a digital camera and a digital video camera (See Col. 1, lines 12-12-

16).

Referring to claim 9, the Conoval reference discloses wherein the image capture system

further includes a docking station for receiving the digital image capture device (in Figure

3B, the enclosure 25 is a docking station of the digital camera 2, see Col. 9, lines 31-57).

Referring to claim 10, the Conoval reference discloses wherein the image capture system

includes a docking station for receiving a digital image capture device (in Figure 3B, the

enclosure 25 is a docking station of the digital camera 2, see Col. 9, lines 31-57); wherein the

docking station (25) includes at least one accessible function (e.g., the relay controller 69 of

the relay controller electronics 25 has a **Protocol Training Program** 88 for capturing the

control commands sent from the remote host computer 40 and associating the command

sequence with a function tag as shown in figure 6E, see Col. 16, lines 22-41 and Col. 13,

lines 35-45).

6.   Claims 11-15 and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by

     Rodriguez et al. U.S. Patent 6,889,191.

Referring to claim 11, the Rodriguez reference discloses in Figures 3-6, an image capture

system (the system is considered as the image capture system comprising DHCT 14,

camcorder, video camera, television set, display, computer or any electronic devices, all

elements of system can be physically connected or integrated into a device, See Col. 11, 1-5

and 22- 67) comprising: a) a first function that is accessible by a user (e.g., a function of

compress pictures from a camera for upstream transmission, see Col. 11, lines 19-25 or

sending control commands functions include: start, stop, standby and no active speech frame

for controlling the imaging capture system, see Col. 18, lines 45-50); b) a proxy-based

remote control mechanism (DHCT 14, see Col. 10, lines 64-67) for receiving commands from

a foreign remote control (remote control device 480, see Col. 15, lines 8-16), for associating

at least one received command with the first function of the image capture system, and for

storing the association between the received command and the first function in an association

table during a training mode (e.g., during a training procedure, a dictionary as the association

table associated with the one or more commands representing the at least on function the

image capture system, See Col. 4, lines 58-67 and Col. 5, lines 1-6); wherein the proxy-based

remote control mechanism (DHCT 14) during operation receives commands from the foreign

remote control (480), decodes the received commands by employing the association table,

and allows the foreign remote control to access the function of the image capture system

corresponding to the decoded command (See Col. 15, lines 60-67 and Col. 16, lines 1-9).

Referring to claim 12, the Rodriguez reference discloses wherein the proxy-based remote

control mechanism (DHCT 14) includes a command receiver (receiver 446 in Figure 4 or

Microphone 891 in Figure 6) for receiving commands from the foreign remote control (480);

a command decoder for decoding the received commands by employing the association table (e.g., a speech decoder for decoding the commands by employing the dictionary as the association table, see Col. 4, lines 19-44); and a command training facility (a training procedure application) for enabling the foreign remote control (480) to access a function of the image capture system that is associated with the decoded command (See Col. 4, lines 58-67 and Col. 5, lines 1-6).

Referring to claim 13, the Rodriguez reference discloses that includes a reminder (reviewing the commands entered by training procedure) mode; wherein the proxy-based remote control mechanism (DHCT 14) includes a reminder mode module for generating a representation of a user interface function (GUI of display 448) in response to receiving a command from the foreign remote control when the reminder mode is enabled; wherein the reminder mode module enables a user to determine a function of the image capture system that is associated with any button on the foreign remote control (e.g., dictionary 458 has user associated commands displayed on the GUI display 448, for example the instructions to press the first button and describing it as the "enable microphone button 893, see Col. 25, lines 29-43).

Referring to claim 14, the Rodriguez reference discloses wherein the image capture system includes a digital image capture device (video camera, see Col. 11, lines 1-5).

Referring to claim 15, the Rodriguez reference discloses wherein the digital image capture device includes one of a digital camera and a digital video camera (e.g., DHCT 14 digitize and compress pictures from the video camera, this is considered as a digital video camera see Col. 11, lines 19-21).

Referring to claim 17, the Rodriguez reference discloses all subject matter as discussed in respected with same comments to claim 11.

Referring to claim 18, the Rodriguez reference discloses all subject matter as discussed in respected with same comments to claim 12.

Referring to claim 19, the Rodriguez reference discloses all subject matter as discussed in respected with same comments to claim 13.

Referring to claim 20, the Rodriguez reference discloses a remote control system comprising: a) a foreign remote control associated with a first device (remote control device 480, see Col. 15, lines 8-16); and b) an image capture system (the system is considered as the image capture system comprising DHCT 14, camcorder, video camera, television set, display, computer or any electronic devices, all elements of system can be physically connected or integrated into a device, See Col. 11, 1-5 and 22- 67) that includes a first function that is accessible by a user; and a proxy-based remote control mechanism (DHCT 14) for receiving commands from the foreign remote control (See Col. 10, lines 64-67) and for associating at least one received command with the first function of the image capture system and storing the association between the received command and the first function in an association table during a training mode (e.g., during a training procedure, a dictionary as the association table associated with the one or more commands representing the at least on function the image capture system, See Col. 4, lines 58-67 and Col. 5, lines 1-6); wherein the proxy-based remote control mechanism (DHCT 14) during operation receives commands from the foreign remote control (480), decodes the received commands by employing the association table, and allows the foreign remote control to access the function of the image

capture system corresponding to the decoded command (See Col. 15, lines 60-67 and Col.

16, lines 1-9).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

8.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. U.S.

Patent 6,889,191 in view of Conoval U.S. Patent 6,400,903.

Referring to claim 16, the Rodriguez reference discloses all subject matter as discussed

with respected same comments to claim 11, except the Rodriguez reference dos not explicitly

show the image capture system includes a docking station for receiving a digital image

capture device.

The Conoval reference teaches in Figures 3B and 4A, a method for enabling an image

capture system (e.g., the apparatus including relay controller electronics 25 and camera 2

shown in Figure 3B as communications transceiver 42 and digital camera 43 shown Figure

4A, is considered as the "image capture system", see Col. 13, lines 35-39) to respond to at

least one command transmitted by a foreign remote control (e.g., the remote host computer

40 is considered as the "foreign remote control" shown in Figure 4A) that is associated with a

first device; the image capture system further includes a docking station for receiving the

digital image capture device (in Figure 3B, the enclosure 25 is a docking station of the digital

camera 2, see Col. 9, lines 31-57). The Conoval reference is evidence that one of ordinary

skill in the art at the time to see more advantages the image capture system including a

docking station for receiving the digital image capture device so that the foreign remote

control device can easily control rotating the camera for taking photos and forwarding

images from various viewpoint (See Col. 9, lines 31-35). For that reason, it would have been

obvious to one of ordinary skill in the art to modify the image capture system of Rodriguez

('191) by providing a docking station for receiving the digital image capture device as taught

by Conoval ('903).

Allowable Subject Matter

9. Claims 2-6 objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim

and any intervening claims.

Please see the previous Office Action mailed on 6/29/05 for the reasons of allowance.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can

normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information

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to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free).

Lin Ye
Examiner
Art Unit 2615

November 3, 2005

DAVID L. OMETZ
SUPERVISORY PATENT
EXAMINER